

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD,
SAN DIEGO REGION**

**NOTICE OF PUBLIC HEARING AND NOTICE OF FILING
NOTICE OF PUBLIC WORKSHOP**

**AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE SAN DIEGO
REGION TO INCORPORATE A TOTAL MAXIMUM DAILY LOAD (TMDL) FOR
DISSOLVED COPPER IN SHELTER ISLAND YACHT BASIN,
SAN DIEGO BAY**

PUBLIC WORKSHOP
November 17, 2003 at 1:30 PM
Regional Board Hearing Room
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4340

PUBLIC HEARING
December 10, 2003 at 9:00 AM
Regional Board Hearing Room
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4340

PUBLIC WORKSHOP

The Regional Board will conduct a public workshop on the proposed Basin Plan amendment on Monday, November 17, 2003, at 1:30 PM, at the Regional Board office. The proposed Basin Plan amendment establishes a Total Maximum Daily Load (TMDL) for dissolved copper in the Shelter Island Yacht Basin portion of San Diego Bay. The purpose of the public workshop is to provide an overview of the proposed Basin Plan amendment, answer questions, and receive comments from the public. Two or more Regional Board members may attend this meeting. However, no voting will occur.

PUBLIC HEARING AND NOTICE OF FILING

This public notice is to inform interested persons that the California Regional Water Quality Control Board, San Diego Region (Regional Board) will conduct a Public Hearing concerning a proposed amendment to the *Water Quality Control Plan for the San Diego Region* (9) (Basin Plan).

REGULATORY BASIS FOR ACTION

California Water Code Section 13240 authorizes the Regional Board to revise the Basin Plan as needed. These revisions must be in accordance with the notice and hearing requirements of California Water Code Section 13244, 23 California Code of Regulations 3777 and 40 CFR 25.5.

**CALIFORNIA ENVIRONMENTAL QUALITY
ACT (CEQA)**

The Regional Board is the California Environmental Quality Act (CEQA) Lead Agency for this project. The basin planning process is certified by the Secretary

for Resources as exempt from the CEQA requirement for preparation of an Environmental Impact Report (EIR) or negative declaration and initial study pursuant to Section 21080.5 of the Public Resources Code. Based upon this certification, the Basin Plan amendment, as well as the Technical Report, environmental checklist, and supporting documents, serve as a "*functional equivalent*" to an EIR, negative declaration and initial study.

BACKGROUND

The Clean Water Act (CWA) Section 303(d) requires States to develop a list of waterbodies which do not, or are not expected to, meet water quality standards after implementing technology based controls. Section 303(d) of the CWA requires States to identify these impaired waters and develop Total Maximum Daily Loads (TMDLs) for such waters. The purpose of a TMDL is to restore the waterbody's beneficial uses and attain water quality objectives.

Shelter Island Yacht Basin (SIYB) is a popular recreational marina located in San Diego Bay. Recreational vessels at SIYB are typically painted with copper-based antifouling paints to slow the buildup of marine organisms on a vessel's hull. The copper in antifouling paints is designed to leach into the environment to help prevent marine fouling. However at relatively low levels, copper is toxic to a wide range of aquatic organisms, not just fouling organisms, and is persistent in the environment. The high density of recreational vessels at SIYB combined with reduced tidal flushing has resulted in elevated levels of dissolved copper that exceed the numeric

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water quality objectives for copper, and the narrative Basin Plan objectives for toxicity and pesticides. Exceedances of the water quality objectives at SIYB threaten and impair the beneficial uses, including wildlife, estuarine and marine habitat uses.

Due to high concentrations of dissolved copper, SIYB was listed as impaired on the CWA Section 303(d) list in 1996. A TMDL was developed to meet water quality objectives at SIYB and protect beneficial uses.

This proposed Basin Plan amendment would incorporate a Total Maximum Daily Load (TMDL) for dissolved copper in the Shelter Island Yacht Basin into Chapter 4 (Implementation) of the Basin Plan.

AVAILABILITY OF DOCUMENTS

The proposed Basin Plan amendment, Technical Report, and supporting documents will be available at the Regional Board office, at the above address, on weekdays during business hours beginning no later than 4:00 P.M. on Friday, October 24, 2003. These documents can also be accessed through the Internet at the Regional Board web site <www.swrcb.ca.gov/rwqcb9> beginning no later than 4:00 P.M. on Friday, October 24, 2003. Documents are available 45 days prior to the Public Hearing.

WRITTEN COMMENTS

Submittal of written comments on the proposed Basin Plan amendment is encouraged. **Written comments are due no later than Wednesday, December 10, 2003 at the close of the Regional Board's Public Hearing.** Submittal of written comments prior to December 10 is optional. Comments submitted prior to Wednesday, December 3, 2003 at 5 PM will be provided to the Regional Board members in advance of the Public Hearing. Written comments should be submitted to: Ms. Lesley Dobalian, California Regional Water Quality Control Board, San Diego Region, 9174 Sky Park Court, Ste. 100, San Diego, CA 92123-4340.

HEARING AND ADOPTION PROCEDURES

The Basin Plan amendment for the SIYB TMDL will be adopted pursuant to a two Regional Board meeting process. At the first meeting on Wednesday, December 10, 2003, the Regional Board will conduct a Public Hearing and receive testimony pertaining to the public review draft of the Basin Plan amendment and supporting documents. At the end of the Public Hearing on December 10, 2003, staff will recommend that the Regional Board close the Public Hearing and

the public review and comment period. Following the Public Hearing, written responses to all public comments received will be prepared. In addition, the tentative Basin Plan amendment and supporting documents will be revised to reflect public comment and Regional Board direction. At the second Regional Board meeting on Wednesday, February 11, 2004, the Regional Board will deliberate and consider adoption of the revised tentative Basin Plan amendment.

At the December 10, 2003 Public Hearing, the Regional Board will accept comments and testimony relevant to this proposed Basin Plan amendment both orally and in writing. Time limitations on oral presentations may be imposed. Oral testimony should be summarized to the degree possible. Groups are encouraged to designate a spokesperson. All exhibits, including charts, graphs, and other material presented as evidence must be left with the Regional Board because they become part of the administrative record.

Additional or alternative rules/regulations, consistent with the general purpose of the amendment and complementary to the specific proposed rules, are under consideration, or may be developed at the Hearing as a logical outgrowth of the testimony (i.e., allows changes to be made at the Hearing).

INFORMATION

Parking is available at the Hearing location. See web site for map to Hearing location. The Hearing room facilities are accessible to persons with disabilities. Individuals who require special accommodations are requested to contact Ms. Lori Costa at (858) 467-2357 at least 5 working days prior to December 10, 2003. TTY users may contact the California Relay Service at 1-800-735-2929 or voice line at 1-800-735-2922.

Questions concerning this notice may be directed to either Lesley Dobalian, at (858) 637-7139, email at dobal@rb9.swrcb.ca.gov, or Christina Arias, at (858) 627-3931, email at ariac@rb9.swrcb.ca.gov.

Thank you for your interest in the Basin Plan and the protection of water quality.

_____/S/_____
John Robertus
Executive Officer
October 15, 2003